

Applicant: Daniel J. Pusiol
Application No.: 10/713,344

REMARKS

After the foregoing amendment, claims 1 – 2, 9 – 11, and 16 – 95 are pending. Claims 17 – 94 were previously withdrawn from consideration. Claims 3 – 8 were previously cancelled. Claims 12 - 15 are cancelled and claims 1 – 2, 9 – 11, and 16 are amended without prejudice. Support for the amendments can be found in the originally filed specification. See, for example, paragraphs [0026] – [0030] and [0102] of the application's pre-grant publication, which is US 2005/0202570. Applicant believes that the amendments do not add new matter to the application.

Examiner Interview

Applicant thanks the Examiner for having an interview with Applicant's representative, undersigned, on June 26, 2009. The Examiner and Applicant's representative discussed potential claim amendments to overcome the 35 U.S.C. § 112, second paragraph rejections. Applicant appreciates the guidance given by the Examiner regarding potential amendments.

The Examiner suggested that certain language describing the pulse sequences in paragraphs [0026] – [0029] should be reflected in claim 1. In addition, the Examiner suggested that claim 2 should recite the condition upon which the further step recited should be performed. Also, the Examiner suggested that the dependent claims should track particular steps recited in claim 1.

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During the interview, the Examiner suggested renaming the magnetic fields H_1 , H_0 , and H_2 to be H_0 , H_1 , and H_2 . Applicant respectfully submits that the specification describes NQR, and the naming therein is appropriate for NQR. Thus, the claims conform to the NQR and the written description.

Claim Objections

The Action objects to claim 2 and states that it is in improper dependent form. Obviating amendments are made and Applicant requests withdrawal of the objection.

Claim Rejections - 35 USC §112

The Action rejects claims 1 – 2, 9 – 16, and 95 under 35 U.S.C. 112, second paragraph, as indefinite. Claims 12 – 15 are canceled and with respect to these claims the rejection is moot. Obviating amendments are made to the remaining claims.

Claim 1 is amended as per Applicant's understanding of the Examiner's comments in the Action and the June 26, 2009 interview. The Action states that it is unclear what a "first pulse" is since a pulse sequence assumes applying a sequence of pulses. Applicant respectfully submits that the "first pulse" of a sequence of pulses is clear; there must be a pulse before the rest of the pulses in the sequence that is the first pulse. Applicant believes that claims, as amended, are clear with respect to this point.

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Applicant believes that the skilled artisan would readily recognize the method for at least one of detection or analysis of a test compound or object recited in claim 1 based on its plain language alone. Nonetheless, Applicant points out that the application states: "This procedure is not limited to the combination of PUDOR with the spin-echo sequence, but extends to all of the known pulse sequences, both those consisting of single pulses and composite pulses." US 2005/0202570, paragraph [0033]. In addition, paragraphs [0026] – [0029] provide description supporting language in claim 1.

The claims recite a "method for at least one of detection or analysis of a test compound or object" that includes NQR. The skilled artisan would recognize that Applicant invented said method, rather than a specific pulse sequence. Applicant believes that the method recited is clear.

The Action states that claim 11 is not clear "since programming a computer according to a pulse sequence is conventional in NMR or NQR, and therefore the steps are not apparent." Claim 11 recites steps other than programming a computer according to a pulse sequence. Applicant believes that claim 11, as amended, is clear.

With respect to the remaining comments in the Action, Applicant believes that its comments or amendments obviate each basis for the rejection. Based on the

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foregoing, Applicant believes that the 35 U.S.C. 112 rejection of claims 1 – 2, 9 – 11, 16, and 95 is overcome and requests withdrawal of the same.

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Conclusion

If the Examiner believes that any additional matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Daniel J. Pusoil

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